

REMARKS

The Office Action dated September 2, 2008 has been received and carefully noted. The following remarks are being submitted as a full and complete response thereto.

Claims 10-17 and 22-28 have been rejected, and claims 19 and 20 are withdrawn. Claims 1-9, 18, and 21 have been cancelled. Thus, claims 10-17, 19, 20, and 22-28 are pending in this application. Applicants respectfully request reconsideration and withdrawal of all rejections.

Rejection Under 35 U.S.C. §112

Claims 16, 17, and 23 are rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The Applicants respectfully traverse this rejection.

The Office Action maintains that it cannot be ascertained whether or not Applicants intend to recite that the milk protein salt of claim 16 and the sodium caseinate of claims 17 and 23 are actually present in the final product in the claimed form of milk protein salt (claim 16) and of sodium caseinate (claims 17 and 23). The Examiner also takes the position that the language of the claims does not require that the milk protein salt and sodium caseinate are actually present in the final product.

The Applicants respectfully submit that it is well known in the art of preparing elastomeric compositions that trace amounts of additives, such as accelerators and stabilizers, may be present in the final articles. However, these additives are not present in substantial amounts. Further, the Applicants agree that the language of the

claims does not require that the milk protein salt and sodium caseinate are actually present in the final product.

In light of the above explanation, Applicants respectfully request withdrawal of the §112 rejection of claims 16, 17, and 23.

Rejections Under 35 U.S.C. §103

Claims 10-14, 16, 17 and 22-28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tanaka et al. (U.S. Patent No. 6,239,253, hereinafter “Tanaka”) in view of Hogt et al. (U.S. Patent No. 5,610,240, hereinafter “Hogt”). Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over Tanaka in view of Hogt and in further view of Ozawa et al. (U.S. Patent No. 6,187,857, hereinafter “Ozawa”) and in further view of Pollack (U.S. Patent No. 3,732,578, hereinafter “Pollack”). The Applicants respectfully traverse these rejections.

Primary reference Tanaka is directed to a deproteinized natural rubber that is substantially free from any proteins. Tanaka also teaches a method of preparing the rubber that includes treating a latex with a protease and a specific surfactant or a combination of specific surfactants. In col. 13, line 18 – col. 14, line 47, Tanaka describes a method of preparing a vulcanized rubber that involves treating natural rubber latex with milk casein (a stabilizer) and zinc dibutyl dithiocarbamate (an accelerator). The Office Action asserts that the natural rubber latex is a polyisoprene homopolymer (see Office Action, page 3).

The Office Action admits that Tanaka fails to teach that a mixture of a dithiocarbamate, a thiazole compound, and a guanidine compound is used as an

accelerator composition, as recited in independent claims 10, 22, 27, and 28 and relies on secondary reference Hogt for disclosing this feature. Hogt is directed to a sulfur-vulcanized rubber composition that includes the vulcanization reaction product of a natural or synthetic rubber, a sulfur donor, and a coagent that only reacts partially under sulfur-vulcanization reaction conditions up to optimum cure, after which it forms cross-links with the sulfur cross-linked rubber. Hogt fails to teach or suggest, however, a specific accelerator composition comprising a mixture of a dithiocarbamate, a thiazole compound, and a guanidine compound, as recited in the claimed invention.

The Applicants submit that the combination of Tanaka and Hogt fails to teach or suggest the presently claimed accelerator composition. Although Hogt does mention that benzothiazole, dithiocarbamates, diphenyl guanidine, and a long list of other accelerators may be used in a method of preparing latex, nowhere does it teach the specific combination of accelerators, as claimed. The present application's specification also states at page 2, lines 2-4 that conventional vulcanization accelerators include dithiocarbamates, thiazoles, guanidines, thioureas, amines, disulfides, thiurams, xanates, and sulfenamides. The present invention demonstrates, however, that using an accelerator composition comprising a mixture of a dithiocarbamate, a thiazole compound, and a guanidine compound when preparing elastomeric articles according to the presently claimed invention provides unexpectedly favorable results. In particular, an elastomeric article prepared using the claimed accelerator composition has desirable properties such as high tensile strength (see Specification, p. 3, line 21 – p. 4, line 9).

To illustrate this point, the Applicants direct the Examiner's attention to Example 2. Example 2 (beginning on page 19 of the Specification) describes experiments that were performed to demonstrate the physical properties of differing compounded latex compositions. Samples 4-7 were prepared without using all three dithiocarbamate, thiazole, and guanidine compounds in the accelerator composition, as shown in Table 1 on page 21. Specifically, Sample 4 does not include a thiazole, Sample 5 does not include a dithiocarbamate, Sample 6 does not include a guanidine, and Sample 7 does not include a thiazole or a guanidine. As shown in Table 2 on page 22 and discussed on page 23, lines 8-13, Samples 4-7 exhibited significantly lower tensile strength values than those samples prepared according to the present invention (using all three accelerators). In fact, the tensile strength values for Samples 6 and 7 failed to meet minimum FDA regulatory standards required for elastomeric materials to be used for surgeon's gloves.

For at least the above reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 10-17 and 22-28.

CONCLUSION

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event that this paper is not being timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account Number 01-2300, referencing Docket Number 029714-00024.

Respectfully submitted,



Sushupta T. Sudarshan
Registration Number 60,021

Customer Number 004372
AREN'T FOX LLP
1050 Connecticut Avenue, NW
Suite 400
Washington, DC 20036-5339
Telephone: 202-857-6000
Fax: 202-638-4810

STS